

1
2
3
4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT SEATTLE

7 DAVID GENE THOMAS,
8
9 Petitioner,

10 v.

11 WASHINGTON STATE
12 DEPARTMENT OF CORRECTIONS,
13 et al.,

14 Respondents.

Case No. C09-21-MJP-BAT

ORDER OF DISMISSAL

15 The Court, having reviewed the Petitioner's 2254 Petition for Writ of Habeas Corpus
16 (Dkt. No. 10), Petitioner's Amended 2254 Petition (Dkt. No. 13), Respondents' Motion to
17 Dismiss (Dkt. No. 18), the Report and Recommendation of Honorable United States
18 Magistrate Judge Brian A. Tsuchida, the absence of any objection from Petitioner, and the
19 remaining record, finds and Orders as follows:

20 (1) The Report and Recommendation is approved and adopted;


21 (2) Respondents' Motion to Dismiss is GRANTED; and

22 (3) Petitioner's 2254 Petitioner and the Amended 2254 Petition (Dkt. Nos. 10, 13) is
23 DISMISSED with prejudice.

24 The Clerk is directed to send a copy of this order to all pro se parties and counsel of
25 record.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

DATED this 13th day of October, 2009.

A handwritten signature in black ink, appearing to read "Marsha J. Pechman", written over a horizontal line.

Marsha J. Pechman
United States District Judge